



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourteenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7521] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7521] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

| | |
|---|---|
| U.S. Trustee: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

| Name | Address | Claim # | Total Amount of Claim as Listed in Claim Register | Claim Amount Subject To Objection as a Duplicative Amount |
|---|---|-------------|---|---|
| LAWRENCE H & LORRAINE K TENGAN REVOCABLE TRUST | LAWRENCE H & LORRAINE K TENGAN 504 EDGEFIELD RIDGE PL HENDERSON NV 89012-4543 | 10725-02174 | 506,524.90 | 253,262.45 |
| LEE, EMILY | 2223 25TH AVE SAN FRANCISCO CA 94116 | 10725-02388 | 101,432.76 | 50,716.38 |
| LEER, HANS | 2024 GENTRY LN CARSON CITY NV 89701 | 10725-00167 | 59,104.72 | 29,552.36 |
| LINDA S REED IRA | FIRST SAVINGS BANK CUSTODIAN FOR 259 OVERLOOK DR CADIZ KY 42211 | 10725-02358 | 156,207.34 | 78,103.67 |
| LINDSEY H KESLER FAM REVOCABLE TR DTD 10/15/80 | MILDRED KESLER TTEE 4847 DAMON CIR SALT LAKE CITY UT 84117 | 10725-02054 | 353,992.56 | 176,996.28 |
| LINDSEY H KESLER FAM REVOCABLE TR DTD 10/15/80 | C/O MILDRED P KESLER TRUSTEE 4847 DAMON CIR SALT LAKE CITY UT 84117-5854 | 10725-02056 | 196.04 | 98.02 |
| LOUIS H & SHIRLEY M TURNER FAM TRST DTD 9/19/97 | LOUIS H & SHIRLEY M TURNER TTEES 9558 MAMMOTH CT RENO NV 89521 | 10725-02219 | 304,359.74 | 152,179.87 |
| LOUISE ALPORT KOLBERG REVOCABLE TRUST | LOUISE KOLBERG TRUSTEE 5914 ONONDAGA RD BETHESDA MD 20816 | 10725-02185 | 100,756.00 | 50,378.00 |
| LOUISE TEETER IRA ROLLOVER | 4201 VIA MARINA STE 300 MARINA DEL REY CA 90292-5237 | 10725-02273 | 898,523.18 | 449,261.59 |
| LYNDA L PINNELL LIVING TRUST DTD 7/24/00 | LYNDA L PINNELL TTEE 9915 SADDLEBACK DR LAKESIDE CA 92040 | 10725-02214 | 649,047.68 | 324,523.84 |